

EXHIBIT A



County: **58** Case Number: **CV-2017-901153.00** Court Action:
 Style: **JOHN V. ALCAZAR ET AL V. MGC MORTGAGE, INC. ET AL**

Real Time

Case

Case Information

County: 58-SHELBY	Case Number: CV-2017-901153.00	Judge: CBM:COREY B MOORE
Style: JOHN V. ALCAZAR ET AL V. MGC MORTGAGE, INC. ET AL		
Filed: 12/08/2017	Case Status: ACTIVE	Case Type: CONTRACT/EJMNT/SEIZU
Trial Type: BENCH	Track:	Appellate Case: 0
No of Plaintiffs: 2	No of Defendants: 2	

Damages

Damage Amt: 0.00	Punitive Damages: 0.00	General Damages: 0.00
No Damages:	Compensatory Damages: 0.00	
Pay To:	Payment Frequency:	Cost Paid By:

Court Action

Court Action Code:	Court Action Desc:	Court Action Date:
Num of Trial days: 0	Num of Liens: 0	Judgment For:
Disposition Date of Appeal:	Disposition Judge: :	Disposition Type:
Revised Judgement Date:	Minstral:	Appeal Date:
Date Trial Began but No Verdict (TBNV1):		
Date Trial Began but No Verdict (TBNV2):		

Comments

Comment 1:
 Comment 2:

Appeal Information

Appeal Date:	Appeal Case Number:	Appeal Court:
Appeal Status:	Origin Of Appeal:	
Appeal To:	Appeal To Desc:	LowerCourt Appeal Date:
Disposition Date Of Appeal:	Disposition Type Of Appeal:	

Administrative Information

Transfer to Admin Doc Date:	Transfer Reason:	Transfer Desc:
Number of Subpoenas:	Last Update: 12/08/2017	Updated By: AJA

Parties

Party 1 - Plaintiff INDIVIDUAL - ALCAZAR JOHN V.

Party Information

Party: C001-Plaintiff	Name: ALCAZAR JOHN V.	Type: I-INDIVIDUAL
Index: D MGC MORTGAGE	Alt Name:	Hardship: No JID: CBM
Address 1: 301 19TH STREET NORTH		Phone: (205) 000-0000

Address 2:

Case 2:18-cv-00062-AKK Document 1-1 Filed 01/12/18 Page 3 of 47

City:

BIRMINGHAM

State: AL

Zip: 35203-0000

Country: US

SSN:

XXX-XX-X999

DOB:

Sex: M

Race:

Court Action

Court Action:

Court Action Date:

Amount of Judgement: \$0.00

Court Action For:

Exemptions:

Cost Against Party: \$0.00

Other Cost: \$0.00

Date Satisfied:

Comment:

Arrest Date:

Warrant Action Date:

Warrant Action Status:

Status Description:

Service Information

Issued:

Issued Type:

Reissue:

Reissue Type:

Return:

Return Type:

Return:

Return Type:

Served:

Service Type:

Service On:

Served By:

Answer:

Answer Type:

Notice of No Service:

Notice of No Answer:

Attorneys

Number	Attorney Code	Type of Counsel	Name	Email	Phone
Attorney 1	WAT056		WATTS JOHN GRIFFIN	JOHN@WATTSHERRING.COM	(205) 879-2447
Attorney 2	HER037		HERRING MYLES STANLEY JR.	STAN@WATTSHERRING.COM	(205) 714-4443

Party 2 - Plaintiff INDIVIDUAL - ALCAZAR SUSAN B.**Party Information**

Party:	C002-Plaintiff	Name:	ALCAZAR SUSAN B.	Type:	I-INDIVIDUAL
Index:	D MGC MORTGAGE	Alt Name:		Hardship:	No JID: CBM
Address 1:	301 19TH STREET NORTH			Phone:	(205) 000-0000
Address 2:					
City:	BIRMINGHAM	State:	AL	Zip:	35203-0000 Country: US
SSN:	XXX-XX-X999	DOB:		Sex:	F Race:

Court Action

Court Action:

Court Action Date:

Amount of Judgement: \$0.00

Court Action For:

Exemptions:

Cost Against Party: \$0.00

Other Cost: \$0.00

Date Satisfied:

Comment:

Arrest Date:

Warrant Action Date:

Warrant Action Status:

Status Description:

Service Information

Issued:	Issued Type:	Reissue:	Reissue Type:
Return:	Return Type:	Return:	Return Type:
Served:	Service Type:	Service On:	Served By:
Answer:	Answer Type:	Notice of No Service:	Notice of No Answer:

Attorneys

Case 2:18-cv-00062-AKK Document 1-1 Filed 01/12/18 Page 4 of 47

Number	Attorney Code	Type of Counsel	Name	Email	Phone
Attorney 1	WAT056		WATTS JOHN GRIFFIN	JOHN@WATTSHERRING.COM	(205) 879-2447
Attorney 2	HER037		HERRING MYLES STANLEY JR.	STAN@WATTSHERRING.COM	(205) 714-4443

Party 3 - Defendant BUSINESS - MGC MORTGAGE, INC.**Party Information**

Party:	D001-Defendant	Name:	MGC MORTGAGE, INC.	Type:	B-BUSINESS
Index:	C ALCAZAR JOHN	Alt Name:		Hardship:	No JID: CBM
Address 1:	C/O CT CORPORATION SYSTEM			Phone:	(205) 000-0000
Address 2:	289 S. CULVER STREET				
City:	LAWRENCEVILLE	State:	GA	Zip:	30046-0000 Country: US
SSN:	XXX-XX-X999	DOB:		Sex:	Race:

Court Action

Court Action:		Court Action Date:	
Amount of Judgement:	\$0.00	Court Action For:	Exemptions:
Cost Against Party:	\$0.00	Other Cost:	Date Satisfied:
Comment:			Arrest Date:
Warrant Action Date:		Warrant Action Status:	Status Description:

Service Information

Issued:	12/11/2017	Issued Type:	C-CERTIFIED MAIL	Reissue:	Reissue Type:
Return:		Return Type:		Return:	Return Type:
Served:	12/18/2017	Service Type	C-CERTIFIED MAIL	Service On:	Served By:
Answer:		Answer Type:		Notice of No Service:	Notice of No Answer:

Attorneys

Number	Attorney Code	Type of Counsel	Name	Email	Phone
Attorney 1	000000		PRO SE		

Party 4 - Defendant BUSINESS - LPP MORTGAGE, INC.**Party Information**

Party:	D002-Defendant	Name:	LPP MORTGAGE, INC.	Type:	B-BUSINESS
Index:	C ALCAZAR JOHN	Alt Name:		Hardship:	No JID: CBM
Address 1:	C/O CT CORPORATION SYSTEM			Phone:	(205) 000-0000
Address 2:	2 N. JACKSON ST. STE 605				
City:	MONTGOMERY	State:	AL	Zip:	36104-0000 Country: US
SSN:	XXX-XX-X999	DOB:		Sex:	Race:

Court Action

Case 2:18-cv-00062-AKK Document 1-1 Filed 01/12/18 Page 5 of 47

Court Action:

Court Action Date:

Amount of Judgement: \$0.00

Court Action For:

Exemptions:

Cost Against Party: \$0.00

Other Cost: \$0.00

Date Satisfied:

Comment:

Arrest Date:

Warrant Action Date:

Warrant Action Status:

Status Description:

Service Information

Issued: 12/11/2017 Issued Type: C-CERTIFIED MAIL

Reissue:

Reissue Type:

Return: Return Type:

Return:

Return Type:

Served: 12/15/2017 Service Type C-CERTIFIED MAIL

Service On:

Served By:

Answer: Answer Type:

Notice of No Service:

Notice of No Answer:

Attorneys

Number	Attorney Code	Type of Counsel	Name	Email	Phone
Attorney 1	000000	PRO SE			

Financial**Fee Sheet**

Fee Status	Admin Fee	Fee Code	Payor	Payee	Amount Due	Amount Paid	Balance	Amount Hold	Garnish Party
ACTIVE	N	AOCC	C001	000	\$16.26	\$16.26	\$0.00	\$0.00	0
ACTIVE	N	CONV	C001	000	\$20.78	\$20.78	\$0.00	\$0.00	0
ACTIVE	N	CVAP	C001	000	\$100.00	\$100.00	\$0.00	\$0.00	0
ACTIVE	N	CV05	C001	000	\$312.00	\$312.00	\$0.00	\$0.00	0
ACTIVE	N	LOAF	C001	000	\$20.00	\$20.00	\$0.00	\$0.00	0
ACTIVE	N	LSF3	C001	000	\$25.00	\$25.00	\$0.00	\$0.00	0
ACTIVE	N	VADM	C001	000	\$45.00	\$45.00	\$0.00	\$0.00	0
Total:					\$539.04	\$539.04	\$0.00	\$0.00	

Financial History

Transaction Date	Description	Disbursement Accoun	Transaction Batch	Receipt Number	Amount	From Party	To Party	Money Type	Admin Fee	Reason	Attorney	Operator
12/11/2017	CREDIT	CONV	2018050	2444220	\$20.78	C001	000		N		TEL	
12/11/2017	RECEIPT	AOCC	2018050	2444210	\$16.26	C001	000		N		TEL	
12/11/2017	RECEIPT	CVAP	2018050	2444230	\$100.00	C001	000		N		TEL	
12/11/2017	RECEIPT	CV05	2018050	2444240	\$312.00	C001	000		N		TEL	
12/11/2017	RECEIPT	LOAF	2018050	2444250	\$20.00	C001	000		N		TEL	
12/11/2017	RECEIPT	LSF3	2018050	2444260	\$25.00	C001	000		N		TEL	
12/11/2017	RECEIPT	VADM	2018050	2444270	\$45.00	C001	000		N		TEL	

Case Action Summary

Date:	Time	Code	Comments	Operator
12/8/2017	8:27 AM	ECOMP	COMPLAINT E-FILED.	WAT056
12/8/2017	8:30 AM	FILE	FILED THIS DATE: 12/08/2017 (AV01)	AJA
12/8/2017	8:30 AM	EORD	E-ORDER FLAG SET TO "Y" (AV01)	AJA
12/8/2017	8:30 AM	ASSJ	ASSIGNED TO JUDGE: COREY B MOORE (AV01)	AJA

12/8/2017	8:30 AM	SCAN	CASE SCANNED STATUS SET TO: N BENCH/NON-JURY TRIAL REQUESTED	(AV01) (AV01)	AJA
12/8/2017	8:30 AM	TDMN	CASE ASSIGNED STATUS OF: ACTIVE	(AV01)	AJA
12/8/2017	8:30 AM	ORIG	ORIGIN: INITIAL FILING	(AV01)	AJA
12/8/2017	8:30 AM	C001	C001 PARTY ADDED: ALCAZAR JOHN V.	(AV02)	AJA
12/8/2017	8:30 AM	C001	INDIGENT FLAG SET TO: N	(AV02)	AJA
12/8/2017	8:30 AM	C001	LISTED AS ATTORNEY FOR C001: WATTS JOHN GRIFFIN		AJA
12/8/2017	8:30 AM	C001	LISTED AS ATTORNEY FOR C001: HERRING MYLES STANLE		AJA
12/8/2017	8:30 AM	C001	C001 E-ORDER FLAG SET TO "N"	(AV02)	AJA
12/8/2017	8:30 AM	C002	C002 PARTY ADDED: ALCAZAR SUSAN B.	(AV02)	AJA
12/8/2017	8:30 AM	C002	INDIGENT FLAG SET TO: N	(AV02)	AJA
12/8/2017	8:30 AM	C002	LISTED AS ATTORNEY FOR C002: WATTS JOHN GRIFFIN		AJA
12/8/2017	8:30 AM	C002	LISTED AS ATTORNEY FOR C002: HERRING MYLES STANLE		AJA
12/8/2017	8:30 AM	C002	C002 E-ORDER FLAG SET TO "N"	(AV02)	AJA
12/8/2017	8:30 AM	D001	D001 PARTY ADDED: MGC MORTGAGE, INC.	(AV02)	AJA
12/8/2017	8:30 AM	D001	INDIGENT FLAG SET TO: N	(AV02)	AJA
12/8/2017	8:30 AM	D001	LISTED AS ATTORNEY FOR D001: PRO SE	(AV02)	AJA
12/8/2017	8:30 AM	D001	CERTIFIED MAI ISSUED: 12/08/2017 TO D001	(AV02)	AJA
12/8/2017	8:30 AM	D001	D001 E-ORDER FLAG SET TO "N"	(AV02)	AJA
12/8/2017	8:30 AM	D002	D002 PARTY ADDED: LPP MORTGAGE, INC.	(AV02)	AJA
12/8/2017	8:30 AM	D002	INDIGENT FLAG SET TO: N	(AV02)	AJA
12/8/2017	8:30 AM	D002	LISTED AS ATTORNEY FOR D002: PRO SE	(AV02)	AJA
12/8/2017	8:30 AM	D002	CERTIFIED MAI ISSUED: 12/08/2017 TO D002	(AV02)	AJA
12/8/2017	8:30 AM	D002	D002 E-ORDER FLAG SET TO "N"	(AV02)	AJA
12/11/2017	11:02 AM	D001	CERTIFIED MAI ISSUED: 12/11/2017 TO D001	(AV02)	JOC
12/11/2017	11:05 AM	D002	CERTIFIED MAI ISSUED: 12/11/2017 TO D002	(AV02)	JOC
12/11/2017	11:10 AM	ESCAN	SCAN - FILED 12/11/2017 - SUMMONS AND COMPLAINT		JOC
12/22/2017	4:06 PM	D002	SERVICE OF CERTIFIED MAI ON 12/15/2017 FOR D002		JOC
12/22/2017	4:06 PM	ESERC	SERVICE RETURN		JOC
1/2/2018	12:39 PM	D001	SERVICE OF CERTIFIED MAI ON 12/18/2017 FOR D001		JOC
1/2/2018	12:39 PM	ESERC	SERVICE RETURN		JOC



END OF THE REPORT



State of Alabama
Unified Judicial System
Form AR Civ-93 Rev.5/99

**COVER SHEET
CIRCUIT COURT - CIVIL CASE**
(Not For Domestic Relations Cases)

Case
58

Date of Filing: 12/08/2017 Judge Code:

GENERAL INFORMATION

**IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA
JOHN V. ALCAZAR ET AL v. MGC MORTGAGE, INC. ET AL**

First Plaintiff: Business Individual
 Government Other

First Defendant: Business Individual
 Government Other

NATURE OF SUIT: Select primary cause of action, by checking box (check only one) that best characterizes your action:

TORTS: PERSONAL INJURY

- WDEA - Wrongful Death
- TONG - Negligence: General
- TOMV - Negligence: Motor Vehicle
- TOWA - Wantonness
- TOPL - Product Liability/AEMLD
- TOMM - Malpractice-Medical
- TOLM - Malpractice-Legal
- TOOM - Malpractice-Other
- TBFM - Fraud/Bad Faith/Misrepresentation
- TOXX - Other: _____

TORTS: PERSONAL INJURY

- TOPE - Personal Property
- TORE - Real Properly

OTHER CIVIL FILINGS

- ABAN - Abandoned Automobile
- ACCT - Account & Nonmortgage
- APAA - Administrative Agency Appeal
- ADPA - Administrative Procedure Act
- ANPS - Adults in Need of Protective Service

OTHER CIVIL FILINGS (cont'd)

- MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/Enforcement of Agency Subpoena/Petition to Preserve
- CVRT - Civil Rights
- COND - Condemnation/Eminent Domain/Right-of-Way
- CTMP - Contempt of Court
- CONT - Contract/Ejectment/Writ of Seizure
- TOCN - Conversion
- EQND - Equity Non-Damages Actions/Declaratory Judgment/Injunction Election Contest/Quiet Title/Sale For Division
- CVUD - Eviction Appeal/Unlawful Detainer
- FORJ - Foreign Judgment
- FORF - Fruits of Crime Forfeiture
- MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition
- PFAB - Protection From Abuse
- FELA - Railroad/Seaman (FELA)
- RPRO - Real Property
- WTEG - Will/Trust/Estate/Guardianship/Conservatorship
- COMP - Workers' Compensation
- CVXX - Miscellaneous Circuit Civil Case

ORIGIN: F INITIAL FILING

A APPEAL FROM
DISTRICT COURT

O OTHER

R REMANDED

T TRANSFERRED FROM
OTHER CIRCUIT COURT

HAS JURY TRIAL BEEN DEMANDED? YES NO

Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P, for procedure)

RELIEF REQUESTED: MONETARY AWARD REQUESTED NO MONETARY AWARD REQUESTED

ATTORNEY CODE:

WAT056

12/8/2017 8:27:50 AM

/s/ JOHN GRIFFIN WATTS

Date

Signature of Attorney/Party filing this form

MEDIATION REQUESTED: YES NO UNDECIDED



IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

JOHN V. ALCAZAR, an individual,)	
SUSAN B. ALCAZAR, an individual,)	
Plaintiffs,)	
v.)	
MGC MORTGAGE, INC., a Corporation;)	
LPP MORTGAGE, INC., a Corporation,)	JURY DEMAND
and Fictitious defendants A-Z are those)	
defendants who caused or are responsible for)	
the harm done to Plaintiffs.)	
Defendants.)	

COMPLAINT

COME NOW the Plaintiffs John V. Alcazar and Susan B. Alcazar (hereinafter "Plaintiffs") by and through their attorneys of record and file Plaintiffs' Complaint against Defendants and states as follows:

JURISDICTION AND VENUE

1. This is an action brought by a consumer for violations of the Real Estate Settlement Procedures Act¹, 12 U.S.C. § 2605 ("RESPA"), the Truth in Lending Act (TILA) and state law by the Defendants including an **illegally scheduled foreclosure on December 13, 2017**.
2. This lawsuit is also brought under the authority of Plaintiffs' Mortgage – the very paragraph 19 that Defendants seek to use to foreclose expressly gives Plaintiffs the right to bring this court action to assert defenses.
3. Venue is proper in this Court as Plaintiffs reside in this County and all Defendants do business in this County.

¹ Any reference to TILA or RESPA or any part thereof encompasses all relevant parts and subparts thereto.

PARTIES

4. The Plaintiffs, John V. Alcazar and Susan B. Alcazar, (hereinafter "Plaintiffs"), are natural persons who reside within this County.
5. Defendant MGC Mortgage, Inc. ("Defendant" or "MGC") in this action is a foreign corporation doing business in this County, and is considered a "servicer" and a "creditor" under RESPA and TILA.
6. Defendant MGC is not registered with the Alabama Secretary of State so the agent for service used is CT Corporation System located at 289 S. Culver Street, Lawrenceville, GA 30046-4805.
7. Defendant LPP Mortgage, Inc. ("Defendant" or "LPP") in this action is a foreign corporation doing business in this County, and is considered a "servicer" and a "creditor" under RESPA and TILA.
8. Due to the conflicting and contradictory information by Defendants, it is unclear which Defendant allegedly owns the mortgage and which Defendant is acting as a servicer so in this lawsuit both are alleged to be acting together in the line of scope of all agency agreements they have with each other. Both are alleged to be the agent for each other.
9. Fictitious defendants A-Z are those defendants who caused or are responsible for the harm done to Plaintiffs. Any reference to "Defendant" or "Defendants" or "Defendant MGC" or "Defendant LPP" includes all fictitiously described Defendants as well.

FACTS

10. RESPA and TILA apply to Defendants² MGC and LPP and to the loan at issue in this case.

² Defendants have acted jointly and as agents for each other such that Plaintiffs refer to the Defendants collectively.

11. Defendants are collecting on this debt illegally including the fact that the Defendants have **scheduled an illegal foreclosure on December 13, 2017.**
12. At some point Defendants MGC and LPP began to allegedly service or own the loan.
13. After Defendants allegedly took over the loan, they decided to take Plaintiffs' house in an illegal foreclosure sale.
14. No proper default letter was sent as required by the mortgage to do a foreclosure.
15. No proper acceleration letter was sent as required by the mortgage to do a foreclosure.
16. Defendants have committed illegal dual tracking.
17. Defendants refused to properly offer loss mitigation options and properly review loss mitigation requests/applications as required by RESPA.
18. This is not an oversight or a mistake on the part of Defendants but instead is a deliberate and calculated plan in an effort to thwart the protections offered to consumers such as Plaintiffs when dealing with a mortgage loan.
19. Defendants MGC and LPP have a pattern and practice of violating RESPA.
20. Plaintiffs asked in writing and verbally for a payoff and until recently Defendants MGC and LPP refused to provide one.
21. When finally provided, it was inaccurate.
22. Plaintiffs refuse to pay more than they owe on this house and because of that Defendants MGC and LPP seek to take their home illegally.
23. The actions and inactions of Defendants MGC and LPP violate the TILA and RESPA as well as state law.

24. Defendants have given a false and inaccurate reinstatement amount and did not do so in a timely way, thereby depriving the Plaintiffs of the right to reinstate their loan before the foreclosure.
25. The threatened foreclosure and other collection activities are illegal and constitute a threat to take action which Defendants MGC and LPP were not legally entitled to take or had no intention of taking.
26. The threatened foreclosure and other illegal collection activities are not authorized by the contracts giving rise to the alleged debt.
27. Defendants have refused to follow all conditions precedent to foreclose, including those under the contract, under state law, under federal law, and under the rules and regulations governing this loan.
28. Defendants MGC and LPP used false representations and/or deceptive means to collect on this debt.
29. The collection methods employed by Defendants MGC and LPP were and are harassing and illegal.
30. As a direct result of the acts complained of against each Defendant, Plaintiffs have been caused to suffer, and will continue to suffer great mental anguish, damage to Plaintiffs' reputation and credit, economic and emotional damages and claim from all Defendants all damages allowable under the law.
31. All employees and agents of each Defendant acted with the line and scope of their employment and/or agency relationship.
32. No Defendant has apologized to Plaintiffs for its misconduct against Plaintiffs.

33. There is no right to foreclose and Plaintiffs request this Honorable Court rule that Defendants have no such right to foreclose.

COUNT I

VIOLATIONS OF RESPA AND TILA BY DEFENDANTS

34. All paragraphs of this Complaint are incorporated as if fully set forth herein.
35. Defendants are obligated to offer loss mitigation options to Plaintiffs before foreclosing.
36. Defendants refused to do this.
37. Defendants refused to allow Plaintiffs to apply for loss mitigation.
38. Defendants refused to properly review any and all loss mitigation applications/requests by Plaintiffs.
39. Defendants illegally dual tracked.
40. Defendants refused to provide a payoff under the time limits required by law.
41. Defendants refused to provide an accurate payoff.
42. Defendants have refused to send monthly mortgage statements as required by law.
43. As a result of this lack of compliance by the Defendants, they are liable to Plaintiffs for actual damages, statutory damages for each violation, costs and attorneys fees.
44. The violations of the law by Defendants have resulted in mental anguish, emotional distress, financial loss, damage to credit, and other damages that will be identified in discovery.

COUNT II

BREACH OF CONTRACT BY ALL DEFENDANTS

45. All paragraphs of this Complaint are incorporated as if fully set forth herein.

46. Defendants had a contract with Plaintiffs but Defendants breached any and all contracts with Plaintiffs.
47. For example, Defendants failed to follow paragraph 19 of the mortgage.
48. Defendants failed to send a valid default letter.
49. Defendants refused to send a valid acceleration letter.
50. Defendants refused to accurately advise Plaintiffs of their rights under paragraph 19, as paragraph 19 of the mortgage requires of Defendants.
51. Defendants have refused to strictly follow the requirements of the contracts as well as the law in the default, acceleration, and illegally scheduled foreclosure on December 13, 2017.
52. Defendants have refused to properly credit Plaintiffs' payments.
53. The other numerous violations of the contact will be identified in discovery.
54. Plaintiffs have performed under the contract.
55. As a result of Defendants' breach of contract, Plaintiffs are entitled to actual damages; statutory damages; and reasonable attorney's fees, expenses and costs from Defendants.

COUNT III

DECLARATION THAT FORECLOSURE IS NOT ALLOWABLE

56. All paragraphs of this Complaint are incorporated as if fully set forth herein.
57. Because Defendants have failed to follow the mortgage and state and federal laws (and rules and regulations) and because there is no default, the foreclosure should not be allowed to go forward.
58. Plaintiffs are not in default.
59. Defendants have no right to foreclose.

60. Pursuant to paragraph 19 of the mortgage, Plaintiffs request a determination that foreclosure is not allowed.

COUNT IV

NEGLIGENT, WANTON, AND/OR INTENTIONAL HIRING AND SUPERVISION OF INCOMPETENT DEBT COLLECTORS BY DEFENDANTS

61. All paragraphs of this Complaint are incorporated as if fully set forth herein.
62. Defendants' collectors are allowed and encouraged to break Alabama law in order to collect debts.
63. Defendants are aware of the wrongful conduct of their agents and/or employees.
64. Defendants negligently, wantonly, and/or intentionally hired, retained, or supervised incompetent debt collectors, who were allowed or encouraged to violate the law as was done to Plaintiffs, and Defendants are thereby responsible to the Plaintiffs for the wrongs committed against Plaintiffs and the damages suffered by Plaintiffs.

COUNT V

NEGLIGENT AND/OR WANTON CONDUCT BY DEFENDANTS

65. All paragraphs of this Complaint are incorporated as if fully set forth herein.
66. Defendants had a duty, and assumed a duty, to treat Plaintiffs fairly and with reasonable care.
67. Defendants had a duty, and assumed a duty, to not unreasonably cause harm to Plaintiffs when it began to collect against Plaintiffs and threaten foreclosure.
68. Defendants violated all of the duties Defendants had and such violations were made wantonly.
69. This is especially true as there is not even a contract between Defendants and Plaintiffs.

70. It was foreseeable, and Defendants did in fact foresee it, the actions of Defendants would lead and did lead to the exact type of harm suffered by Plaintiffs.

COUNT VI

INVASION OF PRIVACY BY DEFENDANTS

71. All paragraphs of this Complaint are incorporated as if fully set forth herein.
72. Alabama law recognizes Plaintiffs' right to be free from invasions of privacy and Defendants violated Alabama state law as described in this Complaint.
73. Congress explicitly recognized a consumer's inherent right to privacy in collection matters in passing the Fair Debt Collection Practices Act, when it stated as part of its findings:

Abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the loss of jobs, and **to invasions of individual privacy.**

15 U.S.C. § 1692(a) (emphasis added).

74. Congress further recognized a consumer's right to privacy in financial data in passing the Gramm Leech Bliley Act, which regulates the privacy of consumer financial data for a broad range of "financial institutions" including debt collectors (albeit without a private right of action), when it stated as part of its purposes:

It is the policy of the Congress that **each financial institution has an affirmative and continuing obligation to respect the privacy of its customers** and to protect the security and confidentiality of those customers' nonpublic personal information.

15 U.S.C. § 6801(a) (emphasis added).

75. Defendants and/or their agents intentionally, recklessly, and/or negligently interfered, physically or otherwise, with the solitude, seclusion and or private concerns or affairs of

the Plaintiffs, namely, by repeatedly and unlawfully attempting to collect a debt and thereby invaded Plaintiffs' privacy.

76. Defendants and their agents intentionally, recklessly, and/or negligently caused emotional harm to Plaintiffs by engaging in highly offensive conduct in the course of collecting this debt including threatening to take Plaintiffs' property, taking Plaintiffs' money and all other wrongful acts which will come to light in discovery, thereby invading and intruding upon Plaintiffs' right to privacy.
77. This includes any false credit reporting by Defendants on Plaintiffs' credit reports (which was made with malice, wantonness, and/or recklessness), the threats to foreclose, the illegal debt collection, and all other wrongful acts of Defendants as outlined in this Complaint and as will be proven at trial.
78. The plan and scheme carried out by Defendants exceeded the bounds of reasonableness that govern the collection of debts, as there is no right to collect this non-existent debt and no right to threaten to foreclose.
79. Plaintiffs had a reasonable expectation of privacy in Plaintiffs' solitude, seclusion, private concerns or affairs, and private financial information.
80. The conduct of Defendants and their agents, in engaging in the above-described illegal collection conduct against Plaintiffs, resulted in multiple intrusions and invasions of privacy by the Defendants which occurred in a way that would be highly offensive to a reasonable person in that position.
81. Plaintiffs are entitled to actual damages in an amount to be determined at trial from Defendants.

82. All invasions of privacy acts of Defendants and their agents and/or employees were committed with malice, intent, wantonness, and/or recklessness and as such Defendants are subject to punitive damages as well as nominal and compensatory damages.

RELIEF REQUESTED

WHEREFORE, Plaintiffs having set forth their claims for relief against each Defendant, respectfully prays of the Court as follows:

- a. That Plaintiffs have and recover against each Defendant a sum to be determined by a jury in the form of actual/compensatory damages; nominal damages; punitive damages; and statutory damages;
- b. That each Defendant be enjoined from further violations of the law against Plaintiffs;
- c. This Honorable Court rule that there is no right to foreclose by Defendants;
- d. That Plaintiffs have reasonable attorney's fees, costs, expenses; and
- e. That Plaintiffs have such other and further and proper relief as the Court may deem just and proper.

Respectfully Submitted,

/s/John G. Watts
John G. Watts (WAT056)
M. Stan Herring (HER037)
Watts & Herring, LLC
The Kress Building
301 19th Street North
Birmingham, Alabama 35203
(205) 879-2447
(888) 522-7167 *facsimile*
john@wattsherring.com
stan@wattsherring.com
Attorneys for Plaintiffs

PLAINTIFF DEMANDS A TRIAL BY JURY IN THIS CAUSE.

/s/John G. Watts

Attorney for Plaintiffs

Please serve Defendants by certified mail at the following addresses:

MGC Mortgage, Inc.
c/o CT Corporation System
289 S. Culver Street
Lawrenceville, GA 30046-4805

LPP Mortgage, Inc.
c/o CT Corporation System
2 North Jackson Street
Suite 605
Montgomery, Alabama 36104



IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

JOHN V. ALCAZAR, an individual,)	
SUSAN B. ALCAZAR, an individual,)	
)	
Plaintiffs,)	
)	Civil Action No.:
v.)	
)	
MGC MORTGAGE, INC., a Corporation;)	
LPP MORTGAGE, INC., a Corporation,)	JURY DEMAND
and Fictitious defendants A-Z are those)	
defendants who caused or are responsible for)	
the harm done to Plaintiffs.)	
)	
Defendants.)	

**NOTICE TO TAKE DEPOSITION OF 30(b)(6) CORPORATE REPRESENTATIVE OF
MGC MORTGAGE, INC. BY VIDEO OR OTHER LAWFUL MEANS**

Take notice, that the Plaintiffs will take the deposition (by video and/or other allowable means under the law) of the following entities or individuals pursuant to the Rules of Civil Procedure. The deponent(s) must bring all documents listed in this deposition notice and any attachments, and present the originals of these documents for inspection and copying at the deposition. The deposition will continue until completed.

DEPONENT: Corporate Representative of MGC Mortgage, Inc.

DATE: May 15, 2018

TIME: 9:00 a.m.

**PLACE: Watts & Herring, LLC
The Kress Building
301 19th Street North
Birmingham, AL 35203**

Please note that pursuant to the Rules of Civil Procedure 30(b)(5) & (6), this corporate Defendant must designate an individual to testify as to the following matters for the time period of three (3) years prior to the filing of the Complaint through the date of the deposition:

1. Allegations of the Complaint.
2. Your Answer to the Complaint.
3. The Note and Mortgage of Plaintiffs.
4. All assignments, endorsements, allonges, or other transfers of the Note or Mortgage of Plaintiffs.
5. All discovery responses to Plaintiffs' written discovery.
6. Any loss mitigation efforts/discussions with Plaintiffs.
7. All training, supervision, and policies related to foreclosure and loan modification.
8. Training, supervision, and policies regarding all loss mitigation and postponing or cancelling a foreclosure sale.
9. The actions of all sub or master mortgage servicers related to the Plaintiffs.
10. Your communications with and work for or with the owner or servicers of the mortgage loan.
11. All letters from Plaintiffs and your responses to the letters.

DUCES TECUM

PLEASE TAKE FURTHER NOTICE that, the designated representative(s) of Defendant must bring the following documents with them to the deposition:

1. All documents responsive to the Request for Production of Documents and documents related to the topics referenced above.

Respectfully Submitted,

/s/ John G. Watts

John G. Watts (WAT056)

M. Stan Herring (HER037)

Watts & Herring, LLC

301 19th Street North

Birmingham, Alabama 35203

(205) 879-2447; fax (888) 522-7167

john@wattsherring.com

stan@wattsherring.com

Attorneys for Plaintiffs

PLEASE SERVE WITH THE SUMMONS AND COMPLAINT



IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

JOHN V. ALCAZAR, an individual,)
SUSAN B. ALCAZAR, an individual,)
Plaintiffs,)
v.) Civil Action No.:
MGC MORTGAGE, INC., a Corporation;)
LPP MORTGAGE, INC., a Corporation,) JURY DEMAND
and Fictitious defendants A-Z are those)
defendants who caused or are responsible for)
the harm done to Plaintiffs.)
Defendants.)

**NOTICE TO TAKE DEPOSITION OF 30(b)(6) CORPORATE REPRESENTATIVE OF
LPP MORTGAGE, INC. BY VIDEO OR OTHER LAWFUL MEANS**

Take notice, that the Plaintiffs will take the deposition (by video and/or other allowable means under the law) of the following entities or individuals pursuant to the Rules of Civil Procedure. The deponent(s) must bring all documents listed in this deposition notice and any attachments, and present the originals of these documents for inspection and copying at the deposition. The deposition will continue until completed.

DEPONENT: **Corporate Representative of LPP Mortgage, Inc.**

DATE: **May 16, 2018**

TIME: **9:00 a.m.**

PLACE: **Watts & Herring, LLC
The Kress Building
301 19th Street North
Birmingham, AL 35203**

Please note that pursuant to the Rules of Civil Procedure 30(b)(5) & (6), this corporate Defendant must designate an individual to testify as to the following matters for the time period of three (3) years prior to the filing of the Complaint through the date of the deposition:

1. Allegations of the Complaint.
2. Your Answer to the Complaint.
3. The Note and Mortgage of Plaintiffs.
4. All assignments, endorsements, allonges, or other transfers of the Note or Mortgage of Plaintiffs.
5. All discovery responses to Plaintiffs' written discovery.
6. Any loss mitigation efforts/discussions with Plaintiffs.
7. All training, supervision, and policies related to foreclosure and loan modification.
8. Training, supervision, and policies regarding all loss mitigation and postponing or cancelling a foreclosure sale.
9. The actions of all sub or master mortgage servicers related to the Plaintiffs.
10. Your communications with and work for or with the owner or servicers of the mortgage loan.
11. All letters from Plaintiffs and your responses to the letters.

DUCES TECUM

PLEASE TAKE FURTHER NOTICE that, the designated representative(s) of Defendant must bring the following documents with them to the deposition:

1. All documents responsive to the Request for Production of Documents and documents related to the topics referenced above.

Respectfully Submitted,

/s/ John G. Watts

John G. Watts (WAT056)

M. Stan Herring (HER037)

Watts & Herring, LLC

301 19th Street North

Birmingham, Alabama 35203

(205) 879-2447; fax (888) 522-7167

john@wattsherring.com

stan@wattsherring.com

Attorneys for Plaintiffs

PLEASE SERVE WITH THE SUMMONS AND COMPLAINT

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

JOHN V. ALCAZAR, an individual,)
SUSAN B. ALCAZAR, an individual,)
Plaintiffs,)
v.)
MGC MORTGAGE, INC., a Corporation;)
LPP MORTGAGE, INC., a Corporation,) JURY DEMAND
and Fictitious defendants A-Z are those)
defendants who caused or are responsible for)
the harm done to Plaintiffs.)
Defendants.)

PLAINTIFFS' FIRST SET OF DISCOVERY TO ALL DEFENDANTS

PLEASE TAKE NOTICE that pursuant to the Alabama Rules of Civil Procedure, Plaintiffs propound the following discovery interrogatories and requests to each and every Defendant:

You are further placed on notice that these Interrogatories are deemed continuing, requiring supplemental responses thereto in the event requested information becomes available which would require amendment or supplementation of your responses in order that they would be proper and truthful.

INSTRUCTIONS

If any objection is made to any of the following interrogatories or discovery requests, you shall make any such objection and state the relevant legal basis for such objection. If any objection is made based upon a claim of privilege as to any response, you shall state the legal basis for the privilege you are invoking and provide a detailed privilege log to support the invocation of such privilege.

Each and every interrogatory and discovery request herein is deemed continuing in nature pursuant to the Rules of Civil Procedure, and you are obligated to seasonably amend and provide any updated information that renders the responses to one or more of these interrogatories and discovery requests, incomplete or inaccurate, and serve those amended responses upon the counsel for Defendants.

As used in these interrogatories and discovery requests, the term "document" or "documents" means every writing or recorded material of every type and description, of any kind, that is in the possession, control or custody of you, which you have knowledge, whether originals, copies or facsimiles. Such writings or recordings include, but are not limited to, collection notes, electronic computer collection records, printouts of collection records, sample collection letters, Metro-data tapes, diskettes, computer hard drives, tape backups, Zip-type disks, magnetic media of any kind, CD-ROM, DVD, correspondence, memoranda, stenographic notes, handwritten notes, contracts, documents, rough drafts, inter-office memoranda, memoranda for the files, letters, research materials, logs, diaries, forms, bank statements, tax returns, card files, books of account, journals, ledgers, invoices, diagrams, minutes, manuals, studies, publications, pamphlets, pictures, films, voice recordings, reports, surveys, minutes, statistical compilations, data processing cards, computer records, tapes, print-outs, agreements, communications, state and federal governmental hearings, reports, correspondence, telegrams, memoranda, summaries or records of telephone conversations, summaries or records of personal conversations or interviews, diaries, graphs, notebooks, note charts, charts, plans, drawings, sketches, maps, summaries or records of meetings or conferences, summaries or reports of investigations or negotiations, opinions or reports of consultants, photographs, video tape, motion picture film, digital photographs, brochures, advertisements, circular, press releases, drafts, any marginal

comments appearing on any document, all other writings, books of all nature and kind whether handwritten, typed, printed, mimeographed, photocopied or otherwise reproduced, all tape recordings (whether for computer, audio, or visual replay) and all other written, printed, and recorded matter or tangible things upon which words, phrases, symbols or information of any kind are recorded, encrypted or otherwise stored.

A request to "identify" a document is a request to state the following, as applicable:

- a. The date of the document;
- b. The type of document;
- c. The names and present addresses of the person or persons who prepared the document and of the signers and addressors of the document;
- d. The name of the employer or principal whom the signers, addressers and preparers were representing;
- e. The present location of the document;
- f. The name and current business and home addresses of the present custodian of the original document, and any copies of it;
- g. A summary of the contents of the document; and
- h. If the original document was destroyed, the date and reason for or circumstances under which it was destroyed.

Plaintiffs request that the documents be made available for this inspection at the offices of counsel for Plaintiffs at **The Kress Building 301 Nineteenth Street North, Birmingham, Alabama 35203.**

These interrogatories and discovery requests are intended to cover all documents in your possession, or subject to their custody and control, regardless of location. If there are no such

documents, please so state. If there are such documents, please list and mark appended documents responsive to each request. (Rules of Civil Procedure, Rule 34(b)).

Each interrogatory propounded herein should be answered from your entire knowledge from all sources and all information in your possession or otherwise available to you, including information from your officers, employees, agents, representatives or consultants and information which is known by each of them. An incomplete or evasive answer is deemed a failure to answer.

If any answer is qualified, you shall state specifically the terms of each qualification and the reasons for it. If an interrogatory cannot be answered in full, state the part which can be answered and answer the same in full to the extent possible; state further and specifically the reason(s) why the remainder cannot be answered.

If any interrogatory may be answered fully by a document, the document may be attached in lieu of an answer if the document is marked to refer to the Interrogatory to which it responds.

For purpose of these requests, a statement is (a) a written statement signed or otherwise adopted or approved by the person making it, or (b) stenographic, mechanical, electrical, or other recording, or a transcription thereof, which is a substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded.

All request are limited in time (unless otherwise specified) to three (3) years prior to the date of the suit to the present.

INTERROGATORIES

1. For each individual person, officer, employee, agent, or other entity answering or providing any information used you to answer any Interrogatory, state the following:
 - a. First, last, and middle legal name;
 - b. All DBA, fake, or alias name(s) used by this person;

- c. Job title or capacity;
 - d. Business address and telephone number;
 - e. Home address and telephone number; and
 - f. Age.
2. Identify each document referred to or consulted by you in the preparation of the Answers to these Interrogatories and discovery requests made within this entire document.
 3. Identify all persons known to you to have personal knowledge of any facts or issues involved in this lawsuit, state the following:
 - a. First, last, and middle legal name;
 - b. All DBAs, fake, or alias name(s) used by this person;
 - c. Job title or capacity;
 - d. Business address and telephone number;
 - e. Home address and telephone number;
 - f. Age; and
 - g. State the general substance of each person's knowledge.
 4. Identify and describe with particularity all training that you provide or receive, in the area of foreclosure activities, loss mitigation, loan modifications, and postponement of foreclosures, including but not limited to:
 - a. The training content, timing, and duration;
 - b. All documents and audio or visual materials used in such training; and
 - c. Each person involved in providing such training.
 5. Identify and describe all documents, manuals, instructions, checklists, memorandum, restrictions or other documentation or instructions that your employees or agents are

given, read, review, or otherwise use, regarding foreclosures, loss mitigation, loan modifications, and postponement of foreclosures.

6. Please state in detail and provide all witnesses that support your answer as to every basis that you had to conduct the foreclosure, which is scheduled to occur on or about December 13, 2017.
7. Identify all notices sent pursuant to the Note or Mortgage.
8. Identify as of December 13, 2017, the total current balance due, the past-due principal, past due interest, other charges due, and the amounts past due – including how you calculated each figure.
9. Identify and produce all advertisements or other foreclosure notices that relate to the foreclosed property.
10. Identify and describe any and all documents that describe, record, or establish your methods and techniques used to foreclosure for the previous three years and up through the present.
11. Identify and describe fully any and all computerized, mechanical, manual, or other system(s) that you use, maintain, or operate to record any and all mail, telephone, in-person, or other forms of communications, or attempted communications, with persons or other third parties in connection with the collection of accounts, and your policies and procedures for operating such a system of records.
12. Identify whether you electronically record telephone calls by any means with any persons and what steps are taken to preserve these recordings.
13. Identify whether you recorded any telephone call with Plaintiffs and whether or not these recordings have been preserved, and the current location and/or disposition of these recordings.

14. In the form of a chronology, identify and describe in detail and with particularity, the process, events, and circumstances under which the threatened foreclosure was to take place, beginning with the first alleged default of Plaintiffs.
15. Identify and describe each communication, or attempted communication, between you with Plaintiffs, or any other person, which is in any way related to the foreclosure, by stating the following:
 - a. The name of the individual initiating communication;
 - b. The name of the person and/or description of the person to whom the communication was directed;
 - c. The date and time of the communication;
 - d. The method of the communication (e.g. letter, phone call, in-person);
 - e. A detailed description of the substance of the communication, (do not simply refer to notes);
 - f. Identification of all witnesses to or participants in the communication; and,
 - g. Any actions taken by you as a result of the communication.
16. Identify the full legal name, address, telephone, position, and title of all former employees of yours who in any manner were involved with the account of Plaintiffs.
17. Identify all lawsuits brought against you at any time arising out of foreclosing or attempted foreclosing activities, and for any reason, by supplying the correct legal caption, the court file number, the jurisdiction, the date of filing, and the final disposition or current status.
18. Identify all legal claims, equitable claims, regulatory complaints, regulatory reports, arbitrations, mediations, in-court settlements, out-of-court settlements, or any other proceedings, formal or informal, Better Business Bureau, Commerce Department, or other

regulatory complaints made against you or your employees at any time arising out its foreclosing or attempted foreclosing activities, and for any reason, by supplying the correct caption (if any), the name(s) of the complaining party, the file number, the jurisdiction, the date of filing, and the final disposition or current status of the claim, complaint or proceeding.

19. Please identify all properties you have foreclosed on in Alabama, stating the following:
 - a. Number of foreclosures;
 - b. Name of the borrower on the Note and the property location;
 - c. All notices (including notices of default) sent to each person; and
 - d. A copy of each notice of default and mortgage.
20. Identify what happened to the Note and Mortgage from the time they were executed up until the current day. Include all assignments, transfers, endorsements, allonges, etc.
21. Identify all charges, fees or expenses that were imposed on Plaintiffs and the authority for each such charge, fee or expense.
22. In what order were payments to be applied – i.e. principal, interest, late fees, etc.
23. For every payment received, describe how you applied every dollar and when you applied it.
24. Identify every late fee, expense or charge during the life of the loan and the basis for each.
25. Explain why you threatened to foreclose on Plaintiffs.

REQUESTS FOR PRODUCTION OF DOCUMENTS

Pursuant to the Alabama Rules of Civil Procedure, Plaintiffs request that Defendants produce the documents described herein and permit Plaintiffs' attorneys to inspect and copy such documents, as they may desire:

1. Please produce a copy of each and every document involving communication(s) or contact(s) between you and the following persons, which in any way references Plaintiffs, or any allegation or defense asserted in this action:
 - a) Any credit bureaus;
 - b) The Plaintiffs;
 - c) MGC;
 - d) LPP;
 - e) Any state or federal governmental entity;
 - f) Any consumer-reporting agency;
 - g) Any other defendant in this case.
2. Please produce copies of any statements you have taken or received from any person in any way connected with the allegations contained in this lawsuit.
3. Please produce all documents related in any way to Plaintiffs.

PLAINTIFF'S REQUEST FOR ADMISSIONS

Pursuant to the Alabama Rules of Civil Procedure the Plaintiffs demand that the following be admitted or denied:

1. You never owned the note at issue in this case.
2. The loan was in default when you started servicing the note.

3. All letters your attorneys wrote to Plaintiffs were within the line and scope of their representation of you.
4. You have not apologized to Plaintiffs for any of your conduct related to the upcoming foreclosure.
5. You decided to treat Plaintiffs different than you treat every other consumer in Alabama because of a personal dislike for Plaintiffs.
6. You never sent the Plaintiffs a default letter that states exactly what is required to be said in paragraph 19 of the mortgage.
7. The mortgage that you seek to foreclose on gives Plaintiffs the right to have their defenses heard in court.
8. You agree you are bound by the mortgage, including paragraph 19.
9. Your threatened foreclosure is based upon paragraph 19 of the mortgage.
10. You agree all of paragraph 19 of the mortgage is valid and binding on you.
11. You admit that you do not want Plaintiffs to exercise their rights under paragraph 19 of the mortgage to have their defenses heard in court.

Respectfully Submitted,

/s/ John G. Watts
John G. Watts (WAT056)
M. Stan Herring (HER037)
Watts & Herring, LLC
The Kress Building
301 19th Street North
Birmingham, Alabama 35203
(205) 879-2447
(888) 522-7167 *facsimile*
john@wattsherring.com
stan@wattsherring.com
Attorneys for Plaintiffs

PLEASE SERVE WITH THE SUMMONS AND COMPLAINT



AlaFile E-Notice

58-CV-2017-901153.00

To: JOHN GRIFFIN WATTS
john@wattsherring.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

JOHN V. ALCAZAR ET AL V. MGC MORTGAGE, INC. ET AL
58-CV-2017-901153.00

The following complaint was FILED on 12/8/2017 8:29:40 AM

Notice Date: 12/8/2017 8:29:40 AM

MARY HARRIS
CIRCUIT COURT CLERK
SHELBY COUNTY, ALABAMA
POST OFFICE BOX 1810
112 NORTH MAIN STREET
COLUMBIANA, AL, 35051

205-669-3760
mary.harris@alacourt.gov



AlaFile E-Notice

58-CV-2017-901153.00

To: MGC MORTGAGE, INC.
C/O CT CORPORATION SYSTEM
289 S. CULVER STREET
LAWRENCEVILLE, GA, 30046

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

JOHN V. ALCAZAR ET AL V. MGC MORTGAGE, INC. ET AL
58-CV-2017-901153.00

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POST OFFICE BOX 1810
112 NORTH MAIN STREET
COLUMBIANA, AL, 35051

205-669-3760
mary.harris@alacourt.gov



AlaFile E-Notice

58-CV-2017-901153.00

To: LPP MORTGAGE, INC.
C/O CT CORPORATION SYSTEM
2 N. JACKSON ST. STE 605
MONTGOMERY, AL, 36104

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

JOHN V. ALCAZAR ET AL V. MGC MORTGAGE, INC. ET AL
58-CV-2017-901153.00

The following complaint was FILED on 12/8/2017 8:29:40 AM

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COLUMBIANA, AL, 35051

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mary.harris@alacourt.gov

State of Alabama Unified Judicial System Form C-34 Rev. 4/2017	SUMMONS - CIVIL -	Court Case Number 58-CV-2017-901153.00
IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA JOHN V. ALCAZAR ET AL V. MGC MORTGAGE, INC. ET AL		
NOTICE TO: MGC MORTGAGE, INC., C/O CT CORPORATION SYSTEM 289 S. CULVER STREET, LAWRENCEVILLE, GA 30046 <hr style="border: 0.5px solid black; margin: 5px 0;"/> <i>(Name and Address of Defendant)</i>		
THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S), JOHN GRIFFIN WATTS <hr style="border: 0.5px solid black; margin: 5px 0;"/> <i>[Name(s) of Attorney(s)]</i>		
WHOSE ADDRESS(ES) IS/ARE: 301 19th Street North, BIRMINGHAM, AL 35203 <hr style="border: 0.5px solid black; margin: 5px 0;"/> <i>[Address(es) of Plaintiff(s) or Attorney(s)]</i>		
THE ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.		
TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE TO SERVE PROCESS:		
<input type="checkbox"/> You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.		
<input checked="" type="checkbox"/> Service by certified mail of this Summons is initiated upon the written request of <u>JOHN V. ALCAZAR</u> <hr style="border: 0.5px solid black; margin: 5px 0;"/> <i>[Name(s)]</i> pursuant to the Alabama Rules of the Civil Procedure.		
<u>12/8/2017 8:29:40 AM</u>	<u>/s/ MARY HARRIS</u>	By: <i>(Signature of Clerk)</i>
<input checked="" type="checkbox"/> Certified Mail is hereby requested.	<u>/s/ JOHN GRIFFIN WATTS</u>	<i>(Plaintiff's/Attorney's Signature)</i>
RETURN ON SERVICE		
<input type="checkbox"/> Return receipt of certified mail received in this office on _____ <i>(Date)</i>		
<input type="checkbox"/> I certify that I personally delivered a copy of this Summons and Complaint or other document to _____ in _____ County, <i>(Name of Person Served)</i> <i>(Name of County)</i>		
Alabama on _____. <i>(Date)</i>		
<i>(Type of Process Server)</i>	<i>(Server's Signature)</i>	<i>(Address of Server)</i>
<i>(Server's Printed Name)</i>	<i>(Phone Number of Server)</i>	

State of Alabama Unified Judicial System Form C-34 Rev. 4/2017	SUMMONS - CIVIL -	Court Case Number 58-CV-2017-901153.00
IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA JOHN V. ALCAZAR ET AL V. MGC MORTGAGE, INC. ET AL		
NOTICE TO: LPP MORTGAGE, INC., C/O CT CORPORATION SYSTEM 2 N. JACKSON ST. STE 605, MONTGOMERY, AL 36104 <hr style="border: 0.5px solid black; margin: 5px 0;"/> <i>(Name and Address of Defendant)</i>		
THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S), JOHN GRIFFIN WATTS <hr style="border: 0.5px solid black; margin: 5px 0;"/> <i>[Name(s) of Attorney(s)]</i>		
WHOSE ADDRESS(ES) IS/ARE: 301 19th Street North, BIRMINGHAM, AL 35203 <hr style="border: 0.5px solid black; margin: 5px 0;"/> <i>[Address(es) of Plaintiff(s) or Attorney(s)]</i>		
THE ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.		
TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE TO SERVE PROCESS:		
<input type="checkbox"/> You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.		
<input checked="" type="checkbox"/> Service by certified mail of this Summons is initiated upon the written request of <u>JOHN V. ALCAZAR</u> <hr style="border: 0.5px solid black; margin: 5px 0;"/> <i>[Name(s)]</i> pursuant to the Alabama Rules of the Civil Procedure.		
<u>12/8/2017 8:29:40 AM</u>	<u>/s/ MARY HARRIS</u>	By: <i>(Signature of Clerk)</i>
<i>(Date)</i>	<i>(Signature of Clerk)</i>	<i>(Name)</i>
<input checked="" type="checkbox"/> Certified Mail is hereby requested. <hr style="border: 0.5px solid black; margin: 5px 0;"/> <i>/s/ JOHN GRIFFIN WATTS</i> <i>(Plaintiff's/Attorney's Signature)</i>		
RETURN ON SERVICE		
<input type="checkbox"/> Return receipt of certified mail received in this office on _____ <i>(Date)</i>		
<input type="checkbox"/> I certify that I personally delivered a copy of this Summons and Complaint or other document to _____ in _____ County, <i>(Name of Person Served)</i> <i>(Name of County)</i>		
Alabama on _____. <i>(Date)</i>		
<i>(Type of Process Server)</i> <i>(Server's Signature)</i> <i>(Address of Server)</i> <hr style="border: 0.5px solid black; margin: 5px 0;"/>		
<i>(Server's Printed Name)</i> <i>(Phone Number of Server)</i>		

State of Alabama Unified Judicial System Form C-34 Rev. 4/2017	SUMMONS - CIVIL -	Court Case Number 58-CV-2017-901153.00
IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA JOHN V. ALCAZAR ET AL V. MGC MORTGAGE, INC. ET AL.		
NOTICE TO: MGC MORTGAGE, INC., C/O CT CORPORATION SYSTEM 289 S. CULVER STREET, LAWRENCEVILLE, GA 30046 <small>(Name and Address of Defendant)</small>		
<p>THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S).</p> <p>JOHN GRIFFIN WATTS</p>		
<small>(Name(s) of Attorney(s))</small>		
<p>WHOSE ADDRESS(ES) IS/ARE: 301 19th Street North, BIRMINGHAM, AL 35203</p> <small>(Address(es) of Plaintiff(s) or Attorney(s))</small>		
<p>THE ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.</p>		
TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE TO SERVE PROCESS:		
<p><input type="checkbox"/> You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.</p> <p><input checked="" type="checkbox"/> Service by certified mail of this Summons is initiated upon the written request of <u>JOHN V. ALCAZAR</u> pursuant to the Alabama Rules of the Civil Procedure.</p>		
<p><u>12/6/2017 8:29:40 AM</u> <u>12/11/17</u> (Date)</p>	<p>/s/ MARY HARRIS (Signature of Clerk)</p>	<p>By: <u>gw</u> (Name)</p>
<p><input checked="" type="checkbox"/> Certified Mail is hereby requested.</p>		
<p>/s/ JOHN GRIFFIN WATTS (Plaintiff's/Attorney's Signature)</p>		
<p>RETURN ON</p> <p><input type="checkbox"/> Return receipt of certified mail received in this office on <u>345F</u> <u>3517</u></p> <p><input type="checkbox"/> I certify that I personally delivered a copy of this Summons in <u>3517</u></p> <p><u>Alabama on</u> <u>0000</u> <u>0190</u> <u>7017</u> (Name of Person Served) <u>In</u> <u>0000</u> <u>0190</u> <u>7017</u> (Date)</p> <p><u>(Type of Process Server)</u> <u>(Server's Signature)</u> <u>58-CV-2017-90</u> (Server's Printed Name) <u>JOHN V. ALCAZAR ET AL V. MGC</u></p>		
<p>U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only</p> <p>For delivery information, visit our website at www.usps.com™</p> <p>OFFICIAL USE</p> <p>Certified Mail Fee \$ Extra Services & Fees (check box, add fee as appropriate) <input type="checkbox"/> Return Receipt (hardcopy) \$ _____ <input type="checkbox"/> Return Receipt (electronic) \$ _____ <input type="checkbox"/> Certified Mail Restricted Delivery \$ _____ <input type="checkbox"/> Adult Signature Required \$ _____ <input type="checkbox"/> Adult Signature Restricted Delivery \$ _____</p> <p>Postage \$ Total Postage and Fees \$</p> <p>MGC Mortgage Inc Sent To <u>C/o Ct Corp</u> Street and Apt. No. or PO Box No. <u>289 S Culver St</u> City, State, ZIP+4 <u>Lawrenceville, GA 30046</u></p> <p>PS Form 3800, April 2015 PPN 7530-02-0001 RC-17 See Reverse for Instructions</p>		
<p>C001 - JOHN V. ALCAZAR <u>v.</u> D001 - MGC MORTGAGE, INC.</p> <p>(Plaintiff) (Defendant)</p>		
 <p>SERVICE RETURN COPY</p>		

State of Alabama Unified Judicial System Form C-34 Rev. 4/2017		SUMMONS - CIVIL -	Court Case Number 58-CV-2017-901153.00																									
IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA JOHN V. ALCAZAR ET AL V. MGC MORTGAGE, INC. ET AL																												
NOTICE TO: LPP MORTGAGE, INC., C/O CT CORPORATION SYSTEM 2 N. JACKSON ST. STE 605, MONTGOMERY, AL 36104																												
(Name and Address of Defendant)																												
<p>THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S).</p> <p>JOHN GRIFFIN WATTS</p>																												
(Name(s) of Attorney(s))																												
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<u>12/8/2017 8:29:40 AM</u> <u>12/11/17</u> (Date)		/s/ MARY HARRIS (Signature of Clerk)	By: <u>JK</u> (Name)																									
<p><input checked="" type="checkbox"/> Certified Mail is hereby requested.</p>																												
<p>/s/ JOHN GRIFFIN WATTS (Plaintiff's/Attorney's Signature)</p> <p>RETURN ON</p> <p><input type="checkbox"/> Return receipt of certified mail received in this office on <u>12/11/17</u></p> <p><input type="checkbox"/> I certify that I personally delivered a copy of this Summons to <u>John V. Alcazar</u> in <u>Alabama</u> on <u>12/8/2017</u> at <u>8:29:40 AM</u>. (Name of Person Served) (Date)</p> <p>(Type of Process Server) <u>LPP MORTGAGE, INC.</u> <u>JOHN V. ALCAZAR ET AL V. MGC MORTGAGE, INC.</u> (Server's Signature) (Server's Printed Name)</p> <p>58-CV-2017-9</p> <p>C001 - JOHN V. ALCAZAR v. LPP MORTGAGE, INC.</p> <p>(Plaintiff) (Defendant)</p>																												
<p>U.S. Postal Service™ CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i></p> <p>For delivery information, visit our website at www.usps.com.</p> <p>OFFICIAL USE</p> <table border="1"> <tr> <td colspan="2">Certified Mail Fee</td> <td rowspan="6" style="vertical-align: middle; text-align: center;">Postmark Here</td> </tr> <tr> <td colspan="2">\$</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Extra Services & Fees (check box, add fee as appropriate)</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Return Receipt (hard copy) \$</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Return Receipt (electronic) \$</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Certified Mail Restricted Delivery \$</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Adult Signature Required \$</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Adult Signature Restricted Delivery \$</td> </tr> <tr> <td colspan="2">Postage</td> </tr> <tr> <td colspan="2">\$</td> </tr> <tr> <td colspan="2">Total Postage and Fees \$</td> </tr> <tr> <td colspan="2"> <u>LPP mortgage</u> <u>C/o Ct Corp</u> <u>2 N Jackson St, Ste 605</u> <u>Montgomery, AL 36104</u> </td> </tr> </table> <p>PS Form 3800, April 2015 PSN 7530-02-000-0007 See Reverse for Instructions</p>				Certified Mail Fee		Postmark Here	\$		<input type="checkbox"/> Extra Services & Fees (check box, add fee as appropriate)		<input type="checkbox"/> Return Receipt (hard copy) \$		<input type="checkbox"/> Return Receipt (electronic) \$		<input type="checkbox"/> Certified Mail Restricted Delivery \$		<input type="checkbox"/> Adult Signature Required \$		<input type="checkbox"/> Adult Signature Restricted Delivery \$		Postage		\$		Total Postage and Fees \$		<u>LPP mortgage</u> <u>C/o Ct Corp</u> <u>2 N Jackson St, Ste 605</u> <u>Montgomery, AL 36104</u>	
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SERVICE RETURN COPY																												

<p>REVERSE SIDE OF MAILPIECE</p> <ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. <p>1. Article Addressed to:</p> <p>LPP MORTGAGE, INC. C/O CT CORPORATION SYSTEM 2 N. JACKSON ST. STE 605 MONTGOMERY, AL 36104</p> <p>9690 9402 3327 7227 9080 68</p> <p>2017 0190 0000 3517 0410</p> <p>D 002 CU - 2017 - 901153</p>		<p>A. Signature X <i>Laura McNamee</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery DEC 15 2017</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input type="checkbox"/> Priority Mail Express <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Mail <input type="checkbox"/> Add Restricted Delivery <input type="checkbox"/> O </p> <p>Priority Mail Express <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Mail <input type="checkbox"/> Add Restricted Delivery <input type="checkbox"/> O </p> <p>Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
<p>PS Form 3811, July 2015 P&N 7630-02-000-0053</p> <p>Domestic Return Receipt</p>		



AlaFile E-Notice

58-CV-2017-901153.00

Judge: COREY B MOORE

To: WATTS JOHN GRIFFIN
john@wattsherring.com

NOTICE OF SERVICE

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

JOHN V. ALCAZAR ET AL V. MGC MORTGAGE, INC. ET AL
58-CV-2017-901153.00

The following matter was served on 12/15/2017

D002 LPP MORTGAGE, INC.
Corresponding To
CERTIFIED MAIL

MARY HARRIS
CIRCUIT COURT CLERK
SHELBY COUNTY, ALABAMA
POST OFFICE BOX 1810
112 NORTH MAIN STREET
COLUMBIANA, AL, 35051

205-669-3760
mary.harris@alacourt.gov



AlaFile E-Notice

58-CV-2017-901153.00

Judge: COREY B MOORE

To: HERRING MYLES STANLEY JR.
stan@wattsherring.com

NOTICE OF SERVICE

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

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205-669-3760
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SENDER	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	
<p>1. Article Addressed to:</p> <p>MGC MORTGAGE, INC. C/O CT CORPORATION SYSTEM 289 S. CULVER STREET LAWRENCEVILLE, GA, 30046</p>	
 <p>9590 9402 3327 7227 9080 75</p>	
<p>2. Article Number (Transfer from service label)</p> <p>2017 0190 0000 3517 3459</p>	
<p>A. Signature</p> <p>X</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>CT CORPORATION 1/18</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>D 001 CU - 2017 - 901153</p>	
<p>3. Service Type</p> <p> <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Mail <input type="checkbox"/> Mail Restricted Delivery </p> <p> <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation <input type="checkbox"/> Signature Confirmation Restricted Delivery </p>	
<p>PS Form 3811, July 2015 PSN 7530-02-000-0003</p> <p>Domestic Return Receipt</p>	



AlaFile E-Notice

58-CV-2017-901153.00

Judge: COREY B MOORE

To: WATTS JOHN GRIFFIN
john@wattsherring.com

NOTICE OF SERVICE

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

JOHN V. ALCAZAR ET AL V. MGC MORTGAGE, INC. ET AL
58-CV-2017-901153.00

The following matter was served on 12/18/2017

D001 MGC MORTGAGE, INC.
Corresponding To
CERTIFIED MAIL

CERT MAILED WAS RECEIVED AND HAS A STAMPED SIGNATURE

MARY HARRIS
CIRCUIT COURT CLERK
SHELBY COUNTY, ALABAMA
POST OFFICE BOX 1810
112 NORTH MAIN STREET
COLUMBIANA, AL, 35051

205-669-3760
mary.harris@alacourt.gov



AlaFile E-Notice

58-CV-2017-901153.00

Judge: COREY B MOORE

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NOTICE OF SERVICE

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